

STATE OF SOUTH CAROLINA

(Caption of Case)

**Application of U-Haul Co. of South Carolina,
Incorporated for a Class E (Household Goods)
Certificate of Public Convenience and Necessity for
the Operation of a Motor Vehicle Carrier**

**BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA**

COVER SHEET**DOCKET****NUMBER: 2009 - 141 - T**

(Please type or print)

Submitted by: John J. Pringle, Jr**SC Bar Number: 11208****Address: P.O. Box 2285****Telephone: 803-343-1270****Columbia, SC 29202****Fax: 803-799-8479****Other:****Email: jpringle@ellislawhorne.com**

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)☐ **Emergency Relief demanded in petition**☒ **Request for item to be placed on Commission's Agenda expeditiously**☐ **Other:**

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
<input type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Letter	<input type="checkbox"/> Request
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input checked="" type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition
<input type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation
<input checked="" type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other:
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest	
<input type="checkbox"/> Other:	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit	
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report	

**BEFORE
PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2009-141-T**

IN RE:

Application of U-Haul Co. of South Carolina Incorporated for a Class E (Household Goods) Certificate of Public Convenience and Necessity for the Operation of a Motor Vehicle Carrier

**MOTION TO EXCLUDE TESTIMONY OR
COMPEL RESPONSES IN FULL**

Pursuant to S.C. Code Ann. Regs. 103-829 and 833, Applicant U-Haul Co. of South Carolina Incorporated (“U-Haul”) moves the Public Service Commission of South Carolina (the “Commission”) for an Order Excluding any testimony by Intervenor Trega, LLC d/b/a Apartment Movers, Etc., Atlantic Transfer and Storage Company, Incorporated, Kohler Moving and Storage, Incorporated, and Reads Moving Systems of Carolina based on the Intervenor’s failure to respond to the discovery requests served on them on December 1, 2009 (Docket Entry #s 220530, 220531, 220532, and 220533). U-Haul sent each Intervenor a letter following up on this matter on December 22, 2009 (attached hereto as Exhibit A); however, to date there has been no response.

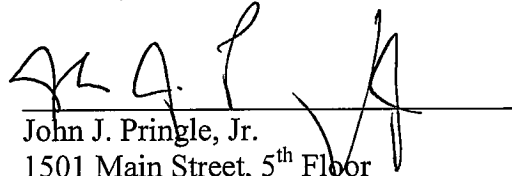
The discovery sought by U-Haul from the Intervenor's requested information about the position of the Intervenor's in this Docket, and specifically the basis for Intervenor's opposition to U-Haul's application. The Intervenor's failure to respond or object to U-Haul's discovery leaves U-Haul without information crucial to the preparation of its case. As a result, allowing the Intervenor's to testify at the hearing in this Docket would subject U-Haul to a "trial by

ambush.” As an alternative, U-Haul requests that the Commission require the Intervenor to respond in full to U-Haul’s discovery requests prior to the hearing in this matter.

WHEREFORE, for the foregoing reasons, U-Haul respectfully requests that the Commission rule that the Intervenor Trega, LLC d/b/a Apartment Movers, Etc., Atlantic Transfer and Storage Company, Incorporated, Kohler Moving and Storage, Incorporated, and Reads Moving Systems of Carolina may not testify in this matter due to their failure to provide discovery responses to U-Haul, or in the alternative, compel responses from the Intervenor as described herein, and grant such other relief as is just and proper.

RESPECTFULLY SUBMITTED, this 8th day of January, 2010.

ELLIS, LAWHORNE & SIMS, P.A.



John J. Pringle, Jr.
1501 Main Street, 5th Floor
P.O. Box 2285
Columbia, SC 29202
Tel.: (803) 343-1270
Fax: (803) 799-8479

EXHIBIT A

ELLIS:LAWHORNE

John J. Pringle, Jr.
Direct dial: 803/343-1270
jpringle@ellislawhorne.com

December 22, 2009

VIA FACSIMILE (843) 559-7277
AND FIRST CLASS MAIL

Mr. Trey Ingram
Trega, LLC d/b/a Apartment Movers, Etc.
2908-B Maybank Highway
Johns Island, SC 29455

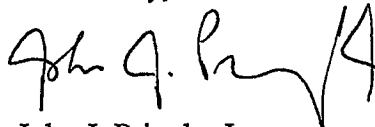
RE: Application of U-Haul Co. of South Carolina, Incorporated for a Class E
(Household Goods) Certificate of Public Convenience and Necessity for
the Operation of a Motor Vehicle Carrier
Docket No. 2009-141-T, Our File No. 2054-11673

Dear Mr. Ingram:

As you are aware, on December 1, 2009 we served U-Haul Co. of South Carolina, Incorporated's Interrogatories – Set No. 1 and Requests for Production – Set No. 1 upon Trega, LLC d/b/a Apartment Movers, Etc. in the above-referenced docket. These responses were due on December 21, 2009. As such, please let this letter serve as a reminder that your responses are now past due. I would appreciate receiving these responses to the discovery requests immediately or a phone call to discuss same so that we will not be forced to file a Motion to Compel.

With kind regards, I am

Yours truly,



John J. Pringle, Jr.

JJP/ljs

cc: Mr. Thomas Tollison (via electronic mail service)

ELLIS:LAWHORNE

John J. Pringle, Jr.
Direct dial: 803/343-1270
jpringle@ellislawhorne.com

December 22, 2009

VIA FACSIMILE (843) 760-6157
AND FIRST CLASS MAIL

Mr. Tom Roth
Atlantic Transfer and Storage Company, Incorporated
7370 E. Spartan Boulevard
Charleston, SC 29418

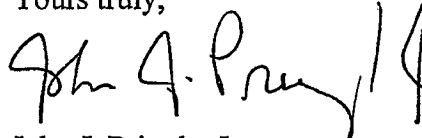
RE: Application of U-Haul Co. of South Carolina, Incorporated for a Class E
(Household Goods) Certificate of Public Convenience and Necessity for
the Operation of a Motor Vehicle Carrier
Docket No. 2009-141-T, Our File No. 2054-11673

Dear Mr. Roth:

As you are aware, on December 1, 2009 we served U-Haul Co. of South Carolina, Incorporated's Interrogatories – Set No. 1 and Requests for Production – Set No. 1 upon Atlantic Transfer and Storage Company, Incorporated in the above-referenced docket. These responses were due on December 21, 2009. As such, please let this letter serve as a reminder that your responses are now past due. I would appreciate receiving these responses to the discovery requests immediately or a phone call to discuss same so that we will not be forced to file a Motion to Compel.

With kind regards, I am

Yours truly,



John J. Pringle, Jr.

JJP/ljs

cc: Mr. Thomas Tollison (via electronic mail service)

ELLIS:LAWHORNE

John J. Pringle, Jr.
Direct dial: 803/343-1270
jpringle@ellislawhome.com

December 22, 2009

VIA FACSIMILE (843) 849-6683
AND FIRST CLASS MAIL

Mr. Albert H. Kohler
Kohler Moving and Storage, Incorporated
1159 Cainhoy Road
Wando, SC 29492

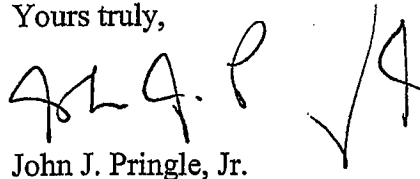
RE: Application of U-Haul Co. of South Carolina, Incorporated for a Class E
(Household Goods) Certificate of Public Convenience and Necessity for
the Operation of a Motor Vehicle Carrier
Docket No. 2009-141-T, Our File No. 2054-11673

Dear Mr. Kohler:

As you are aware, on December 1, 2009 we served U-Haul Co. of South Carolina, Incorporated's Interrogatories – Set No. 1 and Requests for Production – Set No. 1 upon Kohler Moving and Storage, Incorporated in the above-referenced docket. These responses were due on December 21, 2009. As such, please let this letter serve as a reminder that your responses are now past due. I would appreciate receiving these responses to the discovery requests immediately or a phone call to discuss same so that we will not be forced to file a Motion to Compel.

With kind regards, I am

Yours truly,



John J. Pringle, Jr.

JJP/ljs

cc: Mr. Thomas Tollison (via electronic mail service)

ELLIS:LAWHORNE

John J. Pringle, Jr.
Direct dial: 803/343-1270
jpringle@ellislawhome.com

December 22, 2009

VIA FACSIMILE (843) 879-0222
AND FIRST CLASS MAIL

Mr. Tim White
Reads Moving Systems of Carolina
1072 Dropoff Drive
Summerville, SC 29483

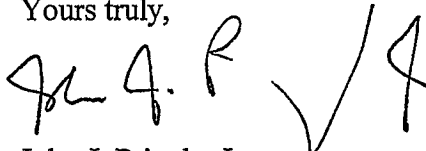
RE: Application of U-Haul Co. of South Carolina, Incorporated for a Class E
(Household Goods) Certificate of Public Convenience and Necessity for
the Operation of a Motor Vehicle Carrier
Docket No. 2009-141-T, Our File No. 2054-11673

Dear Mr. White:

As you are aware, on December 1, 2009 we served U-Haul Co. of South Carolina, Incorporated's Interrogatories – Set No. 1 and Requests for Production – Set No. 1 upon Reads Moving Systems of Carolina in the above-referenced docket. These responses were due on December 21, 2009. As such, please let this letter serve as a reminder that your responses are now past due. I would appreciate receiving these responses to the discovery requests immediately or a phone call to discuss same so that we will not be forced to file a Motion to Compel.

With kind regards, I am

Yours truly,

A handwritten signature in black ink, appearing to read "J. J. Pringle, Jr.", followed by a large checkmark.

John J. Pringle, Jr.

JJP/ljs

cc: Mr. Thomas Tollison (via electronic mail service)

**BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2009-141-T**

Application of U-Haul Co. of South
Carolina, Incorporated for a Class E
(Household Goods) Certificate of Public
Convenience and Necessity for the
Operation of a Motor Vehicle Carrier

)
)
)
)
)
)

CERTIFICATE OF SERVICE

This is to certify that I have caused to be served this day, one (1) copy of the **Motion to Exclude Testimony or Compel Responses in Full** via electronic mail and by placing a copy of same in the care and custody of the United States Postal Service (unless otherwise specified), with proper first-class postage affixed hereto and addressed as follows:

VIA ELECTRONIC MAIL SERVICE

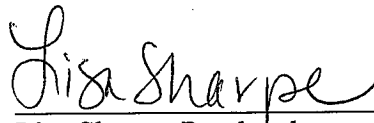
Jeffrey Nelson, Esquire
Office of Regulatory Staff
Legal Department
PO Box 11263
Columbia, SC 29211

Mr. Tom Roth
Atlantic Transfer and Storage Company, Incorporated
7370 E. Spartan Boulevard
Charleston, SC 29418

Mr. Albert H. Kohler
Kohler Moving and Storage, Incorporated
1159 Cainhoy Road
Wando, SC 29492

Mr. Tim White
Reads Moving Systems of Carolina
1072 Dropoff Drive
Summerville, SC 29483

Mr. Trey Ingram
Trega, LLC d/b/a Apartment Movers, Etc.
2908-B Maybank Highway
Johns Island, SC 29455



Lisa Sharpe, Paralegal

January 8, 2010
Columbia, South Carolina